

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PHILADELPHIA INDEMNITY INS. CO.,
et al.,

Plaintiffs,

v.

MARKEL INS. CO., *et al.*,

Defendants.

Civil No.: 1:20-cv-00669-JRR

ORDER

This matter comes before the court on Defendant Markel Insurance Company's Motion for Summary Judgment (ECF No. 94; "Markel's Motion"); Defendant KA Broadway LLC d/b/a Kiddie Academy Pearland East's Motion for Summary Judgment (ECF No. 95; "KA Broadway's Motion"); and Plaintiffs' Cross Motions for Summary Judgment (ECF No. 97 and 96). No hearing is necessary. Local Rule 105.6 (D. Md. 2021).

For the reasons set forth in the accompanying memorandum opinion, it is this 5th day of January 2023, hereby **ORDERED** that:

1. Markel's Motion (ECF No. 94) shall be, and is hereby, **DENIED**;
2. KA Broadway's Motion (ECF No. 95) shall be, and is hereby, **DENIED**;
3. Plaintiffs' Cross Motion for Summary Judgment (ECF No. 97) for declaration/mandate that both the general liability and the professional liability limits of insurance were available to respond to the *Lewis* litigation shall be, and is hereby, **GRANTED**, and declaration/mandate of same is issued herewith;

4. Plaintiffs' Cross Motion for Summary Judgment (ECF No. 96) as to Count II (Essential and KADF v. KA Broadway – Contractual Indemnification) shall be, and is hereby, **GRANTED**; and
5. Plaintiffs' Cross Motion for Summary Judgment (ECF No. 96) as to Count III (PIIC v. KA Broadway – Equitable Subrogation) shall be, and is hereby, **GRANTED**; and
6. **JUDGMENT SHALL BE ENTERED** in favor of Plaintiffs Essential Brands, Inc. and Kiddie Academy Domestic Franchising LLC, and against Defendant KA Broadway LLC d/b/a Kiddie Academy Pearland East, in the amount of **TWO MILLION DOLLARS (\$2,000,000.00), plus pre- and post-judgment interest**, and Plaintiff Philadelphia Indemnity Insurance Company shall be, and is hereby, **SUBROGATED TO THE RIGHTS** of Essential Brands, Inc. and Kiddie Academy Domestic Franchising LLC, as against Defendant KA Broadway LLC d/b/a Kiddie Academy Pearland East in connection with the *Lewis* Litigation, including settlement of same, and enrollment and satisfaction of the above-ordered \$2,000,000.00 judgment.

The case shall proceed to trial as to the remaining demand for declaratory relief in Count I of Plaintiffs' Second Amended Complaint (ECF No. 37) and Defendant Markel Ins. Co.'s Counterclaim. (ECF No. 70.)

/S/

Julie R. Rubin
United States District Judge